

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adip Vora	Team: Squad #01	CCRB Case #: 202106519	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/22/2021 9:00 PM, Friday, 10/22/2021 9:30 PM, NA, 11/___/2021 7:00 PM	Location of Incident: Audubon Avenue and West 172nd Street, 33rd Precinct stationhouse	18 Mo. SOL 4/22/2023	Precinct: 33		
Date/Time CV Reported Wed, 10/27/2021 2:19 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 10/27/2021 2:19 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Angelica Torres	17710	947547	033 PCT
2. PO Anthony Hamosfakidis	22306	964044	033 PCT
3. Officers			033 PCT
4. PO Austin Hua	31961	961824	033 PCT
5. PO Daniel Sanches	12164	961235	033 PCT
6. PO Kenneth Brown	03847	960284	033 PCT
7. LT William Beissel	00000	934469	033 PCT
8. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Paul Dumanovsky	00267	934560	033 PCT
2. PO Joshua Moscoso	11260	960976	033 PCT
3. PO Rolando Mella	16037	964165	033 PCT
4. SGT Pedro Marcano	01837	940418	033 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Anthony Hamosfakidis	Discourtesy: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis spoke discourteously to § 87(2)(b)	
B . PO Anthony Hamosfakidis	Abuse: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis threatened to seize § 87(2)(b) property.	
C . PO Anthony Hamosfakidis	Abuse: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis refused to provide his name to § 87(2)(b)	
D . PO Anthony Hamosfakidis	Abuse: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis refused to provide his shield number to § 87(2)(b)	
E . PO Anthony Hamosfakidis	Discourtesy: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis spoke discourteously to § 87(2)(b)	
F . PO Austin Hua	Abuse: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Austin Hua interfered with § 87(2)(b) use of a recording device.	

Officer(s)	Allegation	Investigator Recommendation
G . PO Kenneth Brown	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Kenneth Brown strip-searched § 87(2)(b)	
H . PO Kenneth Brown	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Kenneth Brown frisked § 87(2)(b)	
I . PO Anthony Hamosfakidis	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis spoke discourteously to § 87(2)(b)	
J . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)	
K . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)	
L . LT William Beissel	Off. Language: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
M . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)	
N . LT William Beissel	Off. Language: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel made remarks to § 87(2)(b) based upon race.	
O . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)	
P . PO Anthony Hamosfakidis	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis threatened to arrest § 87(2)(b)	
Q . PO Angelica Torres	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres threatened § 87(2)(b) with the use of force.	
R . PO Angelica Torres	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres threatened § 87(2)(b)	
S . PO Angelica Torres	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres refused to provide her name to § 87(2)(b)	
T . PO Angelica Torres	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres refused to provide her shield number to § 87(2)(b)	
U . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)	
V . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)	
W . PO Anthony Hamosfakidis	Force: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
X . Officers	Abuse: On October 22, 2021, officers damaged § 87(2)(b)'s property.	
Y . An officer	Abuse: In November 2021, an officer threatened to issue a summons to § 87(2)(b)	
Z . An officer	Discourtesy: In November 2021, an officer spoke discourteously to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

### Case Summary

On October 27, 2021, § 87(2)(b) filed this complaint with the CCRB via the on-line website.

On October 22, 2021, at approximately 9:00 PM, § 87(2)(b) was standing on the corner of Audubon Avenue and West 172<sup>nd</sup> Street in Manhattan when Police Officer Anthony Hamosfakidis, of the 33<sup>rd</sup> Precinct, spoke discourteously to § 87(2)(b) and threatened to seize his property (**Allegation A: Discourtesy** – § 87(2)(g); **Allegation B: Abuse of Authority** – § 87(2)(g)). A few minutes later, PO Hamosfakidis returned with Police Officer Daniel Sanches, of the 33<sup>rd</sup> Precinct, and approached § 87(2)(b). PO Hamosfakidis did not provide his name or shield number to § 87(2)(b) upon request (**Allegation C: Abuse of Authority** – § 87(2)(g); **Allegation D: Abuse of Authority** – § 87(2)(g)). PO Hamosfakidis spoke discourteously to § 87(2)(b) (**Allegation E: Discourtesy** – § 87(2)(g)). PO Austin Hua, of the 33<sup>rd</sup> Precinct, interfered with § 87(2)(b) recording (**Allegation F: Abuse of Authority** – § 87(2)(g)). § 87(2)(b) was arrested and brought to the 33<sup>rd</sup> Precinct stationhouse.

Inside the 33<sup>rd</sup> Precinct stationhouse, Police Officer Kenneth Brown, of the 33<sup>rd</sup> Precinct strip-searched and frisked § 87(2)(b) (**Allegation G: Abuse of Authority** – § 87(2)(g); **Allegation H: Abuse of Authority** – § 87(2)(g)). PO Hamosfakidis told § 87(2)(b) “Piss on yourself you piece of shit” (**Allegation I: Discourtesy** – § 87(2)(g)). Lieutenant William Beissel, of the 33<sup>rd</sup> Precinct, called § 87(2)(b) a “motherfucker,” “bitch,” “fucking spic,” and a “fucking piece of shit” (**Allegations J, K, M, and O: Discourtesy** – § 87(2)(g); **Allegations L and N: Offensive Language** – § 87(2)(g)). PO Hamosfakidis threatened to arrest § 87(2)(b) (**Allegation P: Abuse of Authority** – § 87(2)(g)). Police Officer Angelica Torres, of the 33<sup>rd</sup> Precinct, threatened to use force against § 87(2)(b) and make his life miserable if he filed a complaint (**Allegations Q and R: Abuse of Authority** – § 87(2)(g)). PO Torres refused to provide her name and shield number to § 87(2)(b) (**Allegations S and T: Abuse of Authority** – § 87(2)(g)). Lt. Beissel spoke discourteously to § 87(2)(b) (**Allegations U and V: Discourtesy** – § 87(2)(g)). PO Hamosfakidis pushed § 87(2)(b) (**Allegation W: Force** – § 87(2)(g)). Officers damaged § 87(2)(b) speakers (**Allegation X: Abuse of Authority** – § 87(2)(g)). § 87(2)(b) was issued a summons for § 87(2)(b) as a result of this incident.

In November of 2021, an officer threatened to issue a summons to § 87(2)(b) and called him a “snitch” (**Allegation Y: Abuse of Authority** – § 87(2)(g); **Allegation Z: Discourtesy** – § 87(2)(g)).

§ 87(4-b) § 87(2)(g)

11 BWC videos were received in regard to this incident (**Board Reviews 01-11**).

### Findings and Recommendations

**Allegation (A) Discourtesy: On October 22, 2021, at Audubon Avenue and West 172<sup>nd</sup> Street, Police Officer Anthony Hamosfakidis spoke discourteously to § 87(2)(b)**

**Allegation (B) Abuse of Authority: On October 22, 2021, at Audubon Avenue and West 172<sup>nd</sup> Street, Police Officer Anthony Hamosfakidis threatened to seize § 87(2)(b) property.**

§ 87(2)(b) testified that he was in a group with three or four friends, smoking marijuana about 10 feet away from his girlfriend’s van, which was legally parked (**Board Review 16**). § 87(2)(b) had speakers installed in the van, but he was not playing music at the time, and several businesses on the street frequently played very loud music. A block north, on 173<sup>rd</sup> Street, PO Hamosfakidis temporarily stopped in his car and yelled out to § 87(2)(b) “if you turn that shit on today, I’m

taking that shit,” in reference to the speakers inside § 87(2)(b) van. § 87(2)(b) told PO Hamosfakidis that he was hearing music that was not § 87(2)(b).

PO Hamosfakidis testified that he had received a number of 311 complaints at Audubon Avenue and West 172<sup>nd</sup> Street in Manhattan over the span of three days for excessive noise (**Board Review 18**). The complaints specifically described a heavyset Hispanic male playing music out of a blue van. PO Hamosfakidis and PO Sanches drove by the location and spoke with a group of individuals, including § 87(2)(b) at the location near the vehicle described in the 311 complaints. PO Hamosfakidis politely asked the group to lower the music or turn it off altogether as people were calling 311 on them. PO Hamosfakidis could not recall the exact contents of the conversation. This was not the first day that PO Hamosfakidis approached the group and would previously just tell them to turn the music down or shut it off and did not previously issue any summonses. PO Hamosfakidis could not recall exactly how many times he told the group to turn their music down in relation to 311 complaints but noted that he went at least twice. PO Hamosfakidis and PO Sanches left and came back in their vehicle at around 9:00 PM after receiving more 311 complaints. PO Hamosfakidis could not recall exactly what he said but noted that he told the group, and § 87(2)(b) specifically, again to keep the music down or shut it off because they received more complaints and did not want to have to come back. PO Hamosfakidis did not recall if he told § 87(2)(b) that he would take the speakers but believed that he could have told him so given that it was a consequence of a noise violation. PO Hamosfakidis did not tell § 87(2)(b) at any point, “if you turn that shit on today, I’m taking that shit.” § 87(2)(b) turned the music off and PO Hamosfakidis left after he issued a warning.

PO Sanches, PO Hua, and PO Torres’ testimonies were generally consistent with PO Hamosfakidis’ (**Board Reviews 19, 20, 25, 33**).

§ 87(2)(g)  
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§ 87(2)(g)

**Allegation (C) Abuse of Authority: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis refused to provide his name to § 87(2)(b).**

**Allegation (D) Abuse of Authority: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis refused to provide his shield number to § 87(2)(b).**

**Allegation (E) Discourtesy: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis spoke discourteously to § 87(2)(b).**

§ 87(2)(b) testified that PO Hamosfakidis, PO Sanches, and PO Torres returned shortly after his initial interaction with PO Hamosfakidis (**Board Review 16-17**). § 87(2)(b) began recording the officers and asked PO Hamosfakidis for his name and badge number, to which PO Hamosfakidis replied, “let me get your ID.” PO Hamosfakidis did not give § 87(2)(b) his information. § 87(2)(b) asked why PO Hamosfakidis wanted his ID and PO Hamosfakidis told him that he had asked § 87(2)(b) to turn down his music, but § 87(2)(b) turned it up instead. § 87(2)(b) was not playing his music at the time. PO Hamosfakidis asked § 87(2)(b) if he was refusing to provide his ID and § 87(2)(b) provided his ID to PO Hamosfakidis. PO Hamosfakidis said, “Let me get your fucking speaker,” and asked § 87(2)(b) if he was not going to give him the speaker. § 87(2)(b) again asked PO Hamosfakidis for his name and shield number, which he refused to

provide. § 87(2)(b) told PO Hamosfakidis that he would give him the speaker, but he wanted PO Hamosfakidis' information first. PO Sanches told § 87(2)(b) that they were going to take him to the precinct and give him a summons. PO Brown and Police Officer Rolando Mella, of the 33<sup>rd</sup> Precinct, brought § 87(2)(b) back to the stationhouse.

§ 87(2)(b) provided PO Hamosfakidis' name and shield number when he filed this complaint with the CCRB (**Board Review 32**). § 87(2)(b) testified that, after this incident, he went to the stationhouse and spoke with Sergeant Paul Dumanovsky, of the 33<sup>rd</sup> Precinct, who provided PO Hamosfakidis', PO Torres', and his own name and shield number to § 87(2)(b) (**Board Review 16**).

PO Hamosfakidis' BWC footage from 00:57 of the video player's running time captures PO Hamosfakidis arriving at § 87(2)(b) location (**Board Review 01**). § 87(2)(b) looks off to the side and asks, "what's your name and badge number?" PO Hamosfakidis responds, "what?" and § 87(2)(b) repeats "what's your name and badge number" while PO Hamosfakidis asks § 87(2)(b) for his ID. § 87(2)(b) has his phone up with its flashlight on. § 87(2)(b) asks PO Hamosfakidis what he did wrong, and PO Hamosfakidis tells him that he is playing music and that PO Hamosfakidis gives him warnings all the time. There is no music heard in the BWC footage. § 87(2)(b) tells PO Hamosfakidis that it is other music playing and PO Hamosfakidis tells him that he just turned it off. PO Hamosfakidis asks § 87(2)(b) again for his ID, and § 87(2)(b) takes out his wallet, removes his ID, and hands it to PO Hamosfakidis, all while repeating that other music was playing. After § 87(2)(b) hands him his ID, PO Hamosfakidis tells § 87(2)(b) "let me get your speakers." § 87(2)(b) then asks PO Hamosfakidis for his badge number. PO Hamosfakidis tells § 87(2)(b) again, "give me your speakers," and § 87(2)(b) again asks for PO Hamosfakidis' badge number. The same back-and-forth continues one more time as § 87(2)(b) walks to the van, closes the van's back-passenger-side sliding door, and opens the front passenger door. PO Hamosfakidis asks § 87(2)(b) "you're not giving me the speaker right?" and § 87(2)(b) responds, "I'm not giving you the speaker until you give me your badge number." PO Hamosfakidis then says that they would give § 87(2)(b) the summons from the precinct. § 87(2)(b) repeats twice that he wants PO Hamosfakidis' badge number. PO Hamosfakidis walks up to § 87(2)(b) and asks him to turn around. PO Torres tells § 87(2)(b) that he is going to get a summons from the precinct. PO Hamosfakidis grabs § 87(2)(b) left hand, which is holding his cell phone, and § 87(2)(b) pulls against PO Hamosfakidis and moves his phone to his right hand while asking the officers why they are arresting him. PO Hamosfakidis pulls § 87(2)(b) hand back away from his body and then towards § 87(2)(b) back as PO Sanches and PO Joshua Moscoso handcuff him. § 87(2)(b) tells PO Hua that there is no music there and PO Hamosfakidis tells him that he told him already to shut it off. § 87(2)(b) yells at PO Hamosfakidis that he shut off the music and that PO Hamosfakidis is mad that § 87(2)(b) asked him for his badge number and name. PO Hamosfakidis tells him that he turned the music back on, and after a brief back-and-forth in regards, § 87(2)(b) repeats that he asked PO Hamosfakidis for his badge number and PO Hamosfakidis responds that he will get it at the precinct. At no point in the footage does PO Hamosfakidis provide his name or shield number, nor does he tell § 87(2)(b) "let me get your fucking speaker."

PO Hamosfakidis testified that before he got to the end of the street to turn the corner after giving § 87(2)(b) a warning, he heard the music turn on again (**Board Review 18**). He and PO Sanches returned to the location with the intent to issue § 87(2)(b) a summons for § 87(2)(b), and § 87(2)(b) shut off the music a couple of seconds before the officers approached, while they were still about half a block away. PO Hamosfakidis and PO Sanches exited their vehicle and PO Hamosfakidis asked § 87(2)(b) for his ID. PO Hamosfakidis asked § 87(2)(b) again for his ID and § 87(2)(b) responded that he would get his ID. § 87(2)(b) did not initially provide his ID

and argued with the officers. PO Hamosfakidis asked § 87(2)(b) to provide his speaker and § 87(2)(b) refused to hand over his speaker and closed the door of his vehicle. Since § 87(2)(b) refused to provide the speaker or his ID, PO Hamosfakidis placed § 87(2)(b) under arrest since a summons is in lieu of an arrest. PO Hamosfakidis decided to arrest § 87(2)(b) and bring him back to the precinct to issue him a summons there. PO Hamosfakidis told § 87(2)(b) that he would get PO Hamosfakidis' information back at the precinct and provided his name and badge number later at the stationhouse.

PO Hamosfakidis issued C-Summons § 87(2)(b) to § 87(2)(b) for § 87(2)(b) (**Board Review 29**). The summons lists PO Hamosfakidis' first and last name, his command, and his Tax ID number.

Administrative Guide 304-11 requires officers to courteously and clearly state their rank, name, shield number, and command, or otherwise provide them, to anyone who requests that they do so (**Board Review 30**).

§ 87(2)(g)

While the summons that PO Hamosfakidis issued contained PO Hamosfakidis' Tax ID number – an identification number more specific to the officer than his badge number – it did not contain his badge number. § 87(2)(g)

PO Hamosfakidis' BWC footage captures the entirety of his interaction with § 87(2)(b) at the site of § 87(2)(b) arrest. § 87(2)(g)

**Allegation (F) Abuse of Authority: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Austin Hua interfered with § 87(2)(b) use of a recording device.**

§ 87(2)(b) testified that, during his arrest, PO Hamosfakidis and PO Sanches handcuffed § 87(2)(b) and took his phone (**Board Reviews 16-17**). He later discovered that the recording ended while he was being handcuffed and believed that an officer turned off his phone. § 87(2)(b) did not provide the investigation with a recording of the incident.

PO Hua's BWC footage from 01:33 captures PO Hua assisting in § 87(2)(b) arrest (**Board Review 02**). § 87(2)(b) phone is in his right hand as his right hand is brought behind his back, and the flashlight is still on. From 01:33 to 01:39, the screen of the phone is lit up, visible, and is capturing the portions of § 87(2)(b) clothing and the environment present on the opposite side of the camera, with a red rectangular box at the top that encapsulates a timestamp (**Board Reviews 34, 35**). PO Hua uses his left hand and takes the phone from § 87(2)(b) right hand and brings it off-screen. PO Hua's right hand remains on § 87(2)(b) arm. At 01:48, PO Hua reaches back

over to § 87(2)(b) with his left hand, which is holding § 87(2)(b) phone. The flashlight of § 87(2)(b) phone is no longer on, and the lock screen is displayed (**Board Reviews 36-37**).

PO Hua testified that he assumed § 87(2)(b) was recording the interaction because his cell phone flashlight was on (**Board Review 33**). PO Hua took the phone out of § 87(2)(b) hands and intentionally pressed the power button as part of taking the phone from § 87(2)(b) in order to securely cuff and take control of § 87(2)(b) as well as to shut off the flashlight. PO Hua still believed that § 87(2)(b) was recording at the time he took possession of the phone and pressed the power button. PO Hua was not aware that pressing the power button would end the recording. PO Hua believed that pressing the power button was procedural. Other than to gain control of the phone, there was no other reason why PO Hua pressed the power button on § 87(2)(b) phone.

Per Administrative Guide 304-21, individuals have a right to lawfully record police activity. This right to record can be limited based upon officer safety concerns or when a violation of law is committed by the individual who is recording. Officers cannot discourage an individual from recording police activity or intentionally block or obstruct recording devices when there is no legitimate law enforcement reason to do so (**Board Review 28**).

BWC footage captured PO Hua remove § 87(2)(b) phone from his hand during his arrest and supports § 87(2)(b) testimony and the officers' belief that § 87(2)(b) was recording at the time of his arrest. § 87(2)(b) phone had its camera on with a red box at the top of the screen, which is consistent with recording video. Between entering PO Hua's custody and returning to § 87(2)(b) possession, the screen and flashlight shut off and PO Hua testified that he intentionally pressed the power button during that span of time. § 87(2)(g)

§ 87(2)(b)

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**Allegation (G) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Kenneth Brown strip-searched § 87(2)(b)**

**Allegation (H) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Kenneth Brown frisked § 87(2)(b)**

§ 87(2)(b) testified that inside the stationhouse, PO Brown removed § 87(2)(b) sweater, pants, sneakers, and socks, and patted down his body, including § 87(2)(b) crotch area (**Board Review 16**). PO Mella and PO Torres watched PO Brown as he did this. The officers said something to the effect of § 87(2)(b) not being able to enter the holding cell with sweatpants with "something to tie" because he could use this to hang himself. § 87(2)(b) was then placed alone in a cell, in just his t-shirt and boxers.

PO Torres' BWC footage from 04:30 to 07:39 of the video player's running time captures the frisk and search of § 87(2)(b) in the holding cell area (**Board Review 11**). PO Torres, PO Brown, and PO Mella are present. From 04:30 to 06:30, § 87(2)(b) removes the laces from his shoes without any instruction to do so. At 06:35, PO Torres tells § 87(2)(b) "string from the hoodie and the



string from the sweatpants.” § 87(2)(b) removes his hoodie on his own while saying, “they don’t come out.” After § 87(2)(b) removes his hoodie, PO Torres tells him, “the string from your sweatpants,” and § 87(2)(b) responds, “they don’t come out.” PO Torres tells § 87(2)(b) “you can either take off your sweatpants or we can cut the string.” § 87(2)(b) begins removing his sweatpants as soon as PO Torres tells him that he can take off his sweatpants. After § 87(2)(b) removes his sweatpants, he stands up and PO Torres tells him to turn around. PO Brown approaches § 87(2)(b) and tells him to put his hands on the wall. From 07:19 to 07:28, PO Brown slides his hands across § 87(2)(b) shirt and boxers and adjusts § 87(2)(b) boxer’s waistband higher up his body. PO Brown then directs § 87(2)(b) into the cell, § 87(2)(b) enters the cell, and PO Mella locks it. Other than PO Brown’s frisk of § 87(2)(b) no other officer had physical contact with § 87(2)(b). At no point does any officer remove any of § 87(2)(b) clothing, nor does any officer direct § 87(2)(b) to remove his clothing.

PO Brown testified that he did not recall any clothing being removed from § 87(2)(b) (**Board Review 21**). PO Brown noted that this would be done if any clothing items could be used by the prisoner to harm themselves or if this prisoner requested for any of their clothing to be removed to avoid damaging it. PO Brown was shown the above BWC footage from PO Torres and recalled that, while in the holding cell area, § 87(2)(b) said he did not want to damage his pants by removing the waistband string, since it was permanently attached. § 87(2)(b) instead opted to remove his pants to enter the holding cell. PO Brown then patted § 87(2)(b) down and brought him into the holding cell. PO Brown conducted this pat down since it was the procedure for when an individual was to be lodged in a cell at the stationhouse, and § 87(2)(b) removing his own clothing did not modify the requirement for a pat down prior to lodging.

According to Patrol Guide Procedure 208-05, a strip search is any search in which an individual’s undergarments are exposed or in which an individual’s clothing is removed, lifted up, or pulled down to expose undergarments or private areas (**Board Review 27**). The Procedure further directs that upon arrival at the precinct of arrest or other Department facility, a member of service of the same gender as the prisoner shall conduct a thorough search of the prisoner’s person and clothing to remove weapons, contraband, and evidence. A search at a police facility is not the same as a strip search and includes the removal of outer garments including sweaters, shoelaces, drawstrings, etc. All clothing not removed will be examined by grabbing, crushing, and squeezing the garments, and by sliding the hands across the body.

§ 87(2)(g)

§ 87(2)(g)

**Allegation (I) Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis spoke discourteously to § 87(2)(b)**

§ 87(2)(b) testified that, approximately 30 minutes to an hour after he was initially placed in the

cell, he asked PO Hamosfakidis to take him to the bathroom (**Board Review 16**). PO Hamosfakidis refused to bring § 87(2)(b) to the bathroom. § 87(2)(b) told PO Hamosfakidis that he was going to urinate in the cell and PO1 told him, “do what you got to do,” and, “piss on yourself you piece of shit, I don’t got time for this.” Shortly thereafter, § 87(2)(b) urinated and defecated inside the cell. Officers eventually brought § 87(2)(b) to the bathroom.

Footage of the 33<sup>rd</sup> Precinct stationhouse’s Holding Cell B from 01:35:00 to 01:36:20 of the video player’s running time captures § 87(2)(b) looking towards the door of the holding cell area and speaking with his arms crossed (**Board Review 26**). § 87(2)(b) walks to the side of the cell closest to the door and speaks again, while looking at the door. § 87(2)(b) walks away from that side of the cell and opens his arms while looking at the door again, then walks to the back right corner of the cell, moves his hands to the front of his underwear, and remains facing the corner for about 20 seconds. The footage does not capture who, if anyone, § 87(2)(b) was speaking to and does not capture PO Hamosfakidis in the cell area at this point. From 01:44:52 to 01:45:50, § 87(2)(b) squats in the front of his cell multiple times with his underwear down. PO Hamosfakidis enters the cell area and speaks with § 87(2)(b) who gets up and pulls up his underwear. PO Hamosfakidis then brings § 87(2)(b) to the bathroom after about 30 seconds of conversation. The footage does not have audio.

PO Hamosfakidis testified that § 87(2)(b) was acting out, so he urinated and defecated in the holding cells of his own volition, without giving any prior warning to the officers (**Board Review 18**). PO Hamosfakidis did not recall if § 87(2)(b) requested to use the bathroom from him. PO Hamosfakidis denied telling § 87(2)(b) “piss on yourself you piece of shit.” Upon being shown the above stationhouse footage, PO Hamosfakidis could not recall the conversation he was having with § 87(2)(b) but noted that he was probably asking § 87(2)(b) why he did not just request to use the bathroom.

PO Sanches, PO Torres, and Lt. Beissel’s testimonies were consistent in that none of the officers recalled or heard PO Hamosfakidis tell § 87(2)(b) “Piss on yourself you piece of shit” (**Board Reviews 19, 20, 22, 25**).

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**Allegation (J) Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)**

**Allegation (K) Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)**

**Allegation (L) Offensive Language: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)**

**Allegation (M) Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)**

**Allegation (N) Offensive Language: On October 22, 2021, inside the 33rd Precinct**

stationhouse, Lieutenant William Beissel made remarks to § 87(2)(b) based upon race. Allegation (O) Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that Lt. Beissel came to § 87(2)(b) cell after he urinated in it and called him a “motherfucker,” a “bitch,” and a “fucking spic,” among several other names (**Board Review 16**). At some point, the lieutenant said, “You motherfucker, why you did this shit?” and called § 87(2)(b) a “fucking piece of shit.”

Stationhouse footage of the 33<sup>rd</sup> Precinct’s holding cell area from 01:47:50 to 01:48:23 of the video player’s running time captures Lt. Beissel speaking with § 87(2)(b) while § 87(2)(b) is in the bathroom (**Board Review 26**). The footage does not have audio. The footage from 01:20:55 to 02:11:50 of the video player’s running time captures the entire time § 87(2)(b) was held in the 33<sup>rd</sup> Precinct’s holding cell and at no other point does Lt. Beissel interact with § 87(2)(b)

Lt. Beissel did not independently recall this incident (**Board Review 22**). Lt. Beissel did not recall officers having any difficulty in § 87(2)(b) processing or release, nor did he recall any discussion of § 87(2)(b) needing to go to the bathroom. Upon being shown the aforementioned stationhouse footage, Lt. Beissel did not recall any conversation between himself and § 87(2)(b) nor could he recall any conversation between § 87(2)(b) and any other officer present. However, he denied calling § 87(2)(b) a “motherfucker,” “bitch,” “fucking spic,” or “piece of shit” and did not recall any other officer making those statements.

PO Hamosfakidis, PO Sanches, PO Brown, and PO Torres’ testimony were consistent in that the officers either did not recall or did not hear Lt. Beissel speak discourteously to § 87(2)(b) (**Board Reviews 18-21, 25**).

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**Allegation (P) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis threatened to arrest § 87(2)(b)**

§ 87(2)(b) testified that, approximately two hours after he used the bathroom, PO Hamosfakidis came to § 87(2)(b) cell and told him that he needed to clean it (**Board Review 16**). PO Hamosfakidis told § 87(2)(b) that if he did not clean the cell, he was going to “go downtown,” which § 87(2)(b) understood to mean that he was going to be arrested. § 87(2)(b) was confused by this, as he believed he was already arrested. Another officer brought § 87(2)(b) a napkin and told him that until he cleaned up the cell, he would not go home. § 87(2)(b) replied that he refused to clean, so he guessed he would not be going home.

Stationhouse footage from 01:51:15 to 02:11:15 captures § 87(2)(b) in his cell from after he exits the bathroom to when he is released from the cell (**Board Review 26**). No officer approaches § 87(2)(b) cell until he is released. PO Hamosfakidis opens § 87(2)(b) cell door while PO Mella approaches with a roll of paper towels. PO Mella enters § 87(2)(b) cell and stands just inside the cell door for about 20 seconds. The officers’ backs are to the camera and § 87(2)(b) face is blocked by PO Mella’s body, so it is unclear what, if any, conversation is occurring between § 87(2)(b) and the officers. PO Mella exits the cell and places the roll of paper towels on a nearby

file cabinet. The officers then direct § 87(2)(b) to exit his cell and he begins to put his clothes on. The footage does not have audio.

PO Hamosfakidis testified that he could not recall exactly what happened, but that he probably asked § 87(2)(b) to clean up his cell (**Board Review 18**). § 87(2)(b) refused to clean the cell and cursed at PO Hamosfakidis, while waving his hands around and yelling at the officers. PO Hamosfakidis denied telling § 87(2)(b) that if he did not clean the cell, he would go downtown. PO Hamosfakidis understood “going downtown” to mean going to Central Booking, and since there was no reason for § 87(2)(b) to go to Central Booking there was no reason for PO Hamosfakidis to say that to § 87(2)(b).

PO Sanches testified that he did not recall whether PO Hamosfakidis told § 87(2)(b) that if he did not clean the cell, he would go downtown (**Board Review 19**).

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**Allegation (Q) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres threatened § 87(2)(b) with the use of force.**  
**Allegation (R) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres threatened § 87(2)(b).**  
**Allegation (S) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres refused to provide her name to § 87(2)(b).**  
**Allegation (T) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres refused to provide her shield number to § 87(2)(b).**

§ 87(2)(b) testified that PO Hamosfakidis and PO Torres approached him while he was in the cell and § 87(2)(b) told them that what they were doing was wrong and that he would file a complaint (**Board Review 16**). PO Torres told § 87(2)(b) “If you do that, I will make your life miserable.” § 87(2)(b) asked PO Torres why she was threatening him, to which she replied, “it’s not a threat, it’s a promise.” § 87(2)(b) then requested PO Torres’ name and shield number, but she did not provide that information.

PO Torres testified that she did not have any interaction with § 87(2)(b) while he was inside the cell (**Board Review 20, 25**). While in the cell, § 87(2)(b) mentioned several times that he would make a complaint against the officers and would get money out of it, and that the officers would regret bothering him. PO Torres denied telling § 87(2)(b) with regard to this, “If you do that, I’ll make your life miserable.” PO Torres could not recall if she had any response to him making complaints. PO Torres was one of the officers who escorted § 87(2)(b) from the cell to the desk, but she could not recall if she had any conversation with § 87(2)(b) while she escorted him from the cell to the desk, but stated that he did not request her name, shield, or other identifying information at any point. PO Torres did not provide her name, shield, or other identifying information to § 87(2)(b) at any point.

Stationhouse footage from 01:20:55 to 02:11:50 of the video player’s running time captures the entire time § 87(2)(b) was held in the 33<sup>rd</sup> Precinct’s holding cell (**Board Review 26**). At no point after § 87(2)(b) uses the bathroom does PO Torres approach § 87(2)(b) cell. At no point do PO Hamosfakidis and PO Torres approach § 87(2)(b) cell together. The footage from

02:10:06 to 02:11:50 of the video player's running time captures § 87(2)(b) release from his cell. PO Torres did not release § 87(2)(b) nor did she escort § 87(2)(b) from his cell.

§ 87(2)(g)

**Allegation (U) Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)**

**Allegation (V) Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to § 87(2)(b)**

**Allegation (W) Force: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis used physical force against § 87(2)(b)**

§ 87(2)(b) testified that, shortly after PO Hamosfakidis and PO Torres walked away from his cell, Lt. Beissel said, in reference to § 87(2)(b) "bring this piece of shit over here" (**Board Reviews 16-17**). Officers brought § 87(2)(b) to the desk, where Lt. Beissel asked him for his name, date of birth, and address, all of which he provided. Lt. Beissel then gave § 87(2)(b) a summons and the keys to his van. § 87(2)(b) told Lt. Beissel that he would not leave the stationhouse until he got a voucher for his property inside the van. Lt. Beissel told § 87(2)(b) "Get the fuck out of here, come back in two hours." PO Hamosfakidis then pushed § 87(2)(b) on his chest with both hands approximately three times, in the direction of the entrance. § 87(2)(b) did not physically respond to or resist this in any way. § 87(2)(b) left the stationhouse without taking his van.

Lt. Beissel did not independently recall this incident (**Board Review 22**). Lt. Beissel did not recall saying with regard to § 87(2)(b) "bring that piece of shit over here," or telling him, "Get the fuck out of here," as he was being released. He did not recall PO Hamosfakidis pushing § 87(2)(b) when he was being released.

PO Hamosfakidis testified that he gave § 87(2)(b) his summons, brought him out to the front of the stationhouse, and gave him his property back (**Board Review 18**). PO Hamosfakidis could not recall whether there were any difficulties with § 87(2)(b) release. PO Hamosfakidis could not recall whether Lt. Beissel said, "bring that piece of shit over here" or "get the fuck out of here," but stated that he did not believe that Lt. Beissel said either. PO Hamosfakidis could not recall if there was any difficulty getting § 87(2)(b) to exit the stationhouse and denied pushing § 87(2)(b) at any point during his release.

PO Sanches testified that when § 87(2)(b) was leaving the stationhouse, he drove § 87(2)(b) van to the front of the stationhouse and handed the key to § 87(2)(b) (**Board Review 19**). § 87(2)(b) threw the key onto the floor and said, "it's not my car, she can come pick it up," and walked out of the stationhouse. As a result, the officers found out that the minivan was not registered to § 87(2)(b) and vouchered the vehicle. PO Sanches did not recall PO Hamosfakidis pushing § 87(2)(b) out of the stationhouse. PO Sanches was not present for § 87(2)(b) release from the cell to the front desk.

PO Torres' testimony was consistent with PO Sanches' in that § 87(2)(b) initially refused to accept the keys to the van, though she believed that § 87(2)(b) eventually took the keys as the van was not vouchered (**Board Reviews 20, 25**). PO Torres did not recall any other difficulties with § 87(2)(b) release. PO Torres did not recall Lt. Beissel say, "bring this piece of shit over here," or "get the fuck out of here." PO Torres did not recall PO Hamosfakidis pushing § 87(2)(b) out of the stationhouse.

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**Allegation (X) Abuse of Authority: On October 22, 2021, officers damaged § 87(2)(b) property.**

§ 87(2)(b) testified that he left the stationhouse without taking the keys to his van and received vouchers for the van and speaker when he returned to the stationhouse approximately two hours later (**Board Reviews 16-17**). When he picked up his property, he saw that the wiring of the speakers he had installed in his van was removed, the wires in the van no longer worked and were damaged, with their inner wiring exposed. Furthermore, one of the rear seats of the van could no longer be adjusted backward and forwards and needed to be repaired. § 87(2)(b) did not provide the investigation with any documentation of the damages.

PO Hamosfakidis testified that the van was in poor condition when the officers took possession of it, though he could not recall exactly how it was in poor condition (**Board Review 18**). Once the van was at the stationhouse, PO Hamosfakidis, PO Sanches, and other officers from the Public Safety Team whom PO Hamosfakidis could not recall removed the speakers from § 87(2)(b) van to voucher them as arrest evidence. They unplugged some speakers and removed them from the vehicle and left other speakers that were deadbolted to the van inside of the van. PO Hamosfakidis reviewed the condition of the speakers prior to vouchering them, but could not recall what condition they were in. The speakers were brought to the property room, which was a room solely dedicated to storing vouchered property. Officers are regularly in that room to store vouchered property and to check on previously vouchered property. PO Hamosfakidis did not believe that there was any difficulty removing § 87(2)(b) property from the van. PO Hamosfakidis was not aware of any damage sustained by the vehicle during this time, nor was he aware of any damage sustained by the speakers during this time. He could not recall which officer was the last to handle the speakers or the van. PO Hamosfakidis denied damaging the rear seat or any part of § 87(2)(b) vehicle and did not know if any other officer did so. PO Hamosfakidis denied damaging § 87(2)(b) speakers at all and did not know if any other officer did so. PO Hamosfakidis did not see anything happen with the vehicle or speakers that could have damaged either item.

§ 87(2)(g)

PO Sanches described § 87(2)(b) vehicle condition as poor since the interior was damaged by the speakers being on top of the seats and materials in the van. PO Sanches removed four to five speakers about the size of a desk that took up the entire interior space of the van. The speakers were on individual seats and were removed as arrest evidence. PO Sanches could not recall who assisted him in removing the speakers and did not know who vouchered them. PO Sanches did not recall seeing any damage to the wires that connected the speakers to the van, nor did he recall seeing any damage to the rear seat of the van.

BWC footage does not capture the removal or vouchering of any of the speakers from § 87(2)(b) van. However, PO Sanches' BWC footage from 09:00 of the video player's running time

captures the interior condition of the van before the speakers were vouchered (**Board Review 04**). Two large speakers, about three to four feet in length, are strapped to the rear seats of the van, which are reclined backward. A third speaker sits on the floor of the van between the two rear seats, leaning backward. At 09:58, PO Sanches walks to the open trunk of the van, where two more large speakers are laid on their backs and stacked on top of one another, taking up the majority of the trunk space. A third, smaller speaker is upright and pointed out of the trunk. There is no visible damage to any of the speakers or any part of the interior of the vehicle.

PO Hamosfakidis prepared Property Invoice § 87(2)(b) in which four large black/green speakers with wear and tear were vouchered as arrest evidence on October 22, 2021 (**Board Review 31**). The speakers were returned to § 87(2)(b) on November 10, 2021.

§ 87(2)(g)  
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**Allegation (Y) Abuse of Authority: In November 2021, an officer threatened to issue a summons to § 87(2)(b)**

**Allegation (Z) Discourtesy: In November 2021, an officer spoke discourteously to § 87(2)(b)**

§ 87(2)(b) testified that at some point in the week before § 87(2)(b) CCRB interview on November 24, 2021, § 87(2)(b) was working and had to return home because an officer was harassing him (**Board Review 16**). At approximately 7:00 PM, the officer saw § 87(2)(b) and approached him. The officer asked § 87(2)(b) “what’s up with the van,” and asked § 87(2)(b) if he wanted to be summonsed again. The officer called § 87(2)(b) a snitch for filing a report. § 87(2)(b) grabbed his phone to try to record the officer, but the officer laughed and left. § 87(2)(b) repeatedly called a “male investigator” who did not pick up, and § 87(2)(b) had proof in his phone that he called. § 87(2)(b) had videos on his phone of this officer harassing him from before this incident. § 87(2)(b) did not provide any description of the officer other than that it was a male officer.

The investigation made repeated attempts to contact § 87(2)(b) in order to obtain the footage or a description of the involved officer. § 87(2)(b) did not respond to any contact attempts and did not provide any videos to the investigation.

§ 87(2)(g)  
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§ 87(4-b) § 87(2)(g)  
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§ 87(4-b) § 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 12**).
- PO Torres has been a member-of-service for 13 years and has been a subject in six CCRB complaints and 11 allegations, none of which were substantiated. § 87(2)(g)
- PO Hamosfakidis has been a member-of-service for four years and has been a subject in three other CCRB complaints and 12 other allegations, five of which were substantiated.
  - CCRB 202002839 involved three substantiated allegations of discourtesy, one allegation of refusal to provide shield number, and one allegation of offensive language. The Board recommended command discipline and the NYPD has not yet imposed discipline. § 87(2)(g)
- PO Brown has been a member-of-service for six years and has been a subject in two other CCRB complaints and seven allegations, neither of which were substantiated. § 87(2)(g)
- PO Sanches has been a member-of-service of six years and has been a subject in five other CCRB complaints and seven other allegations, none of which were substantiated. § 87(2)(g)
- Lt. Beissel has been a member-of-service for 17 years and has been a subject in one other CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

### Mediation, Civil, and Criminal Histories

- § 87(2)(g)
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming: personal and physical injuries; an unlawful seizure; false arrest and imprisonment; malicious prosecution; abuse of process; negligence; intentional and negligent infliction of emotional distress; harassment; unconstitutional conditions of confinement; and a deprivation of his constitutional, civil, and common right laws, and seeking \$1,000,000 as redress (**Board Review 13**). A 50H hearing was held on § 87(2)(b) (**Board Review 14**).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 1



Investigator:	<u>Inv. Adip Vora</u> Signature	<u>Inv. Adip Vora</u> Print Title & Name	<u>01/27/23</u> Date
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Squad Leader:	<u>Mgr. Joy Almeyda</u> Signature	<u></u> Print Title & Name	<u>01.27.23</u> Date
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Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date
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